

REMARKS

[0005] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-74 are currently pending
- Claims 1, 9, 10, 13, 23, 30, 34, 35, 40, 41, 45, 48, 49, 58, 59, 64, 67, 69, 72, and 73 are amended herein
- No claims are cancelled or added herein

[0006] Support for the claim amendments presented herein can be found in the Specification, as originally filed, at least at p. 17, lines 4-22, p. 18 line 19 – p. 22 line 21, and p. 25, lines 1-11.

Claim Objections

[0007] Claim 23 stands objected to as allegedly having informalities. Claim 23 is amended herein to correct the noted informalities. Accordingly, Applicant respectfully requests that the Examiner withdraw the claim objection.

Cited Documents

[0008] The following documents have been applied to reject one or more claims of the Application:

- **Mela:** Mela, et al., U.S. Patent Application Publication No. 20040125757

- **Lee:** Lee, et al., U.S. Patent No. 7,295,520
- **Wing So:** Wing So, et al., U.S. Patent No. 5,987,590
- **Bhadkamkar:** Bhadkamkar, et al., U.S. Patent No. 5,893,062
- **Porter:** Porter, et al., U.S. Patent No. 5,659,539
- **Belknap:** Belknap, et al., U.S. Patent No. 6,070,228
- **Major:** Major, et al., U.S. Patent No. 6,990,512
- **Yeo:** Yeo, U.S. Patent No. 6,711,741
- **Lang:** Lang, et al., U.S. Patent No. 7,272,298
- **Ishikawa:** Ishikawa, et al., U.S. Patent Application Publication No. 20030093803
- **Belknap:** Belknap, et al., U.S. Patent No. 5,586,264

Claims 1, 7, 8, 45, 47, and 67-69 Are Non-Obvious Over Mela in view of Lee

[0009] Claims 1, 7, 8, 45, 47, and 67-69 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Mela in view of Lee. Applicant respectfully traverses the rejection.

Independent Claim 1

[0010] Applicant submits that the combination of Mela and Lee does not teach or suggest at least the following features as recited in this claim, as amended (emphasis added):

- "indicating via a graphical user interface, a range of accelerated bit rates at which media content may be received from a source"

- “requesting the media content from the source at **an accelerated bit rate selected from the range of accelerated bit rates, the accelerated bit rate being a rate that exceeds a normal playback rate**”
- “receiving a media stream at the accelerated bit rate, wherein the media stream is an uninterrupted data stream of the media content that has **no intentionally dropped data**”

[0011] As amended, claim 1 recites, in part, “indicating via a graphical user interface, a range of accelerated bit rates at which media content may be received from a source.” After a review of the documents cited by the Examiner, Applicant asserts that none of the cited documents disclose these newly added features as presently recited in this claim. These features have not been previously considered by the Examiner. These features are supported by the Application, as originally filed, at p. 17, lines 4-22.

[0012] In addition, this claim recites, in part, “no intentionally dropped data.” The Examiner indicates “Lee teaches a client transmits a Bit Rate Control Signal to a streaming server and the server is able to increase the transfer bit rate without intentionally dropping data (Col. 4, lines 47-59; Col. 5, lines 59-65; Col.7, lines 35-45).” Office Action, p. 3. Applicant, however, cannot find specific language in the cited portions of Lee that disclose the features “no intentionally dropped data”.

[0013] As shown above, the combination of Mela and Lee does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 45

[0014] Applicant submits that the combination of Mela and Lee does not teach or suggest at least the following features as recited in this claim, as amended (emphasis added):

- “means for indicating via a graphical user interface, a range of accelerated bit rates at which media content may be displayed”
- “means for requesting media content at an accelerated bit rate selected from the range of accelerated bit rates from a source”
- “means for receiving a media stream at the accelerated bit rate, wherein the media stream is an uninterrupted data stream of the media content that has no intentionally dropped data”

[0015] On p. 4 of the Office Action, the Examiner indicates that claim 45 is rejected on the same grounds as claim 1. If, for the sake of argument, it is valid to reject independent claim 45 on the same grounds as the rejection for claim 1, then Applicant submits that claim 45 is patentable for the same reasons that claim 1 is patentable.

[0016] As shown above, the combination of Mela and Lee does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 67

[0017] Applicant submits that the combination of Mela and Lee does not teach or suggest at least the following features as recited in this claim:

- “A streaming media server comprising a variable speed streaming module configured to **indicate a range of allowable accelerated bit rates** and receive a request to stream media content at an accelerated bit rate in the range of allowable accelerated bit rates and to stream the media content at the accelerated bit rate **without dropping any data from the media content**, the accelerated bit rate being a rate that exceeds a real time playback rate of the media content.”

[0018] On p. 4 of the Office Action, the Examiner indicates that claim 67 is rejected on the same grounds as claim 1. If, for the sake of argument, that it is valid to reject independent claim 67 on the same grounds as the rejection for claim 1, then Applicant submits that claim 67 is patentable for the same reasons that claim 1 is patentable.

[0019] As shown above, the combination of Mela and Lee does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 69

[0020] Applicant submits that the combination of Mela and Lee does not teach or suggest at least the following features as recited in this claim:

- “**indicating via a graphical user interface, a range of accelerated bit rates for displaying media content**”
- “receiving a request to render the stream of media at **an accelerated bit rate in the range of accelerated bit rates**”

- “receiving the stream of media at the accelerated bit rate, wherein the stream of media that is received at **the accelerated bit rate has no intentionally dropped data**”

[0021] On p. 4 of the Office Action, the Examiner indicates that claim 69 is rejected on the same grounds as claim 1. If, for the sake of argument, that it is valid to reject independent claim 69 on the same grounds as the rejection for claim 1, then Applicant submits that claim 69 is patentable for the same reasons that claim 1 is patentable.

[0022] As shown above, the combination of Mela and Lee does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 7, 8, and 47

[0023] These claims ultimately depend upon independent claims 1 and 45. As discussed above, claims 1 and 45 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 2-4, 46, 70, and 71 Are Non-Obvious Over Mela in view of Lee in view of Wing So in view of Bhadkamkar

[0024] Claims 2-4, 46, 70, and 71 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Mela in view of Lee in view of Wing So in view of Bhadkamkar. Applicant respectfully traverses the rejection.

[0025] These claims ultimately depend upon independent claims 1, 45, and 69. As discussed above, claims 1, 45, and 69 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 5 and 6 Are Non-Obvious Over Mela in view of Lee and further in view of Porter

[0026] Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Mela in view of Lee and further in view of Porter. Applicant respectfully traverses the rejection.

[0027] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 9-13, 16-18, 20-22, 34-36, 39, 48-52, 55-57, and 72-73 Are Non-Obvious Over Porter in view of Belknap and further in view of Mela

[0028] Claims 9-13, 16-18, 20-22, 34-36, 39, 48-52, 55-57, and 72-73 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Porter in view of Belknap and further in view of Mela. Applicant respectfully traverses the rejection.

Independent Claim 9

[0029] Applicant submits that the combination of Porter, Belknap, and Mela does not teach or suggest at least the following features as recited in this claim:

- “**partially enabling**, enabling and disabling variable play speed controls depending on the source and on whether the source can deliver the media stream at the accelerated bit rate”

[0030] As amended herein, claim 9 recites, in part, “**partially enabling**, enabling and disabling variable play speed controls depending on the source and on whether the source can deliver the media stream at the accelerated bit rate.” After a review of the documents cited by the Examiner, Applicant asserts that none of the cited documents disclose these newly added features as presently recited in this claim. These features have not been previously considered by the Examiner. These features are supported by the Application, as originally filed, at p. 20, lines 20-25.

[0031] As shown above, the combination of Porter, Belknap, and Mela does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 34

[0032] Applicant submits that the combination of Porter, Belknap, and Mela does not teach or suggest at least the following features as recited in this claim, as amended (emphasis added):

- “A media player comprising variable play speed controls configured to **partially enable**, enable and disable variable playback speed controls for playing a media

stream depending on a source of the media stream and on whether the source can deliver the media stream at a requested bit rate, without intentionally dropping data from the media stream to enable delivering the media stream at the requested rate”

[0033] On p. 14 of the Office Action, the Examiner indicates that claim 34 is rejected on the same grounds as claim 9. If, for the sake of argument, that it is valid to reject independent claim 34 on the same grounds as the rejection for claim 9, then Applicant submits that claim 34 is patentable for the same reasons that claim 9 is patentable.

[0034] As shown above, the combination of Porter, Belknap, and Mela does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 48

[0035] Applicant submits that the combination of Porter, Belknap, and Mela does not teach or suggest at least the following features as recited in this claim:

- “means for partially enabling, enabling and disabling variable play speed controls depending on the source and on whether the source can deliver the media stream at the accelerated bit rate”

[0036] On p. 14 of the Office Action, the Examiner indicates that claim 48 is rejected on the same grounds as claim 9. If, for the sake of argument, that it is valid to reject independent claim 48 on the same grounds as the rejection for claim 9, then Applicant submits that claim 48 is patentable for the same reasons that claim 9 is patentable.

[0037] As shown above, the combination of Porter, Belknap, and Mela does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 72

[0038] Applicant submits that the combination of Porter, Belknap, and Mela does not teach or suggest at least the following features as recited in this claim:

- “partially enabling, enabling or disabling variable play speed controls depending on the source and on whether the source can deliver the media stream at the accelerated bit rate without intentionally dropping data from the media stream”

[0039] On p. 15 of the Office Action, the Examiner indicates that claim 72 is rejected on the same grounds as claim 9. If, for the sake of argument, that it is valid to reject independent claim 72 on the same grounds as the rejection for claim 9, then Applicant submits that claim 72 is patentable for the same reasons that claim 9 is patentable.

[0040] As shown above, the combination of Porter, Belknap, and Mela does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 12-13, 16-18, 20-22, 35, 36, 39, 49-52, 55-57, and 73

[0041] These claims ultimately depend upon independent claims 9, 34, 48, and 72. As discussed above, claims 9, 34, 48, and 72 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.

Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 14, 15, 53, 54, and 74 Are Non-Obvious Over Porter in view of Belknap in view of Mela and further in view of Major

[0042] Claims 14, 15, 53, 54, and 74 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Porter in view of Belknap in view of Mela and further in view of Major. Applicant respectfully traverses the rejection.

[0043] These claims ultimately depend upon independent claims 9, 48, and 72. As discussed above, claims 9, 48, and 72 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 19, 38, 40-42, 44, and 58 Are Non-Obvious Over Porter in view of Belknap in view of Mela and further in view of Yeo

[0044] Claims 19, 38, 40-42, 44, and 58 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Porter in view of Belknap in view of Mela and further in view of Yeo. Applicant respectfully traverses the rejection.

Independent Claim 40

[0045] Applicant submits that the combination of Porter, Belknap, Mela, and Yeo does not teach or suggest at least the following features as recited in this claim:

- "a playback module configured to **partially enable**, enable and disable the controls to reflect a current play speed control capability, the current play speed control capability determined by the playback module according to a source of the media stream and whether the source can deliver the media stream at an accelerated bit rate designated by a user without intentionally dropping data from the media stream"

[0046] On p. 19 of the Office Action, the Examiner indicates that claim 40 is rejected on the same grounds as claim 9. If, for the sake of argument, that it is valid to reject independent claim 40 on the same grounds as the rejection for claim 9, then Applicant submits that claim 40 is patentable for the same reasons that claim 9 is patentable.

[0047] As shown above, the combination of Porter, Belknap, and Mela does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 19, 38, 41, 42, 44, and 58

[0048] These claims ultimately depend upon independent claims 9, 34, 40, and 48. As discussed above, claims 9, 34, 40, and 48 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 23-29 and 59-63 Are Non-Obvious Over Porter in view of Major in view of Lang and further in view of Mela

[0049] Claims 23-29 and 59-63 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Porter in view of Major in view of Lang and further in view of Mela. Applicant respectfully traverses the rejection.

Independent Claim 23

[0050] Applicant submits that the combination of Porter, Major, Lang, and Mela does not teach or suggest at least the following features as recited in this claim:

determining a media source of a media file, the media file comprising a local media file, a progressive download media file from a web server, or a media stream from a streaming media server;

presenting via a graphical user interface, a variable play speed control that indicates a range of recommended non-real-time bit rates;

sending a request to the media source to deliver the media file at a non-real-time bit rate selected by a user from the range of recommended non-real-time bit rates;

altering an appearance of the variable play speed control at the user graphic interface to indicate whether the variable play speed control is disabled, partially enabled or fully enabled;

in an event that the media source is the local media file, fully enabling the variable play speed control;

in an event that the media source is the progressive downloaded media file from the web server,

initially disabling the variable play speed control;

measuring an average rate at which the media file is being progressively downloaded from the web server;

partially enabling the variable play speed control to permit the user to request a non-real-time bit rate that does not exceed the average rate;

fully enabling the variable play speed control when the media file has been downloaded; and

in an event that the media source is the media file from the streaming media server,

determining if the media source and a network link can support the non-real-time bit rate without intentionally dropping data from the media content;

in an event that the media source and the network link can support the non-real-time bit rate,

enabling the variable play speed control; and

receiving and playing back the media content at the non-real-time rate;

in an event that the media source and the network link cannot support the non-real-time bit rate,

disabling the variable play speed control of the client device;

caching the media stream at the client device;

measuring an allowable rate at which the media file is being downloaded from the streaming media server;

partially enabling the variable play speed control to permit the user to request a non-real-time bit rate that does not exceed the allowable rate; and

fully enabling the variable play speed control once the cached media stream can enable the non-real-time bit rate.

[0051] After a review of the documents cited by the Examiner, Applicant asserts that none of the cited documents disclose these newly highlighted features as presently recited in this claim. These features have not been previously considered by the Examiner. These features are supported by the Application, as originally filed, at p. 18 line 19 – p. 22 line 21.

[0052] For example, none of the cited documents disclose, teach, or suggest “determining a media source of a media file, the media file comprising a local media file, a progressive download media file from a web server, or a media stream from a streaming media server”, “presenting via a graphical user interface, a variable play speed control that indicates a range of recommended non-real-time bit rates”, and “altering an appearance of the variable play speed control at the user graphic interface

to indicate whether the variable play speed control is disabled, partially enabled or fully enabled".

[0053] As shown above, the combination of Porter, Major, Lang, and Mela does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 59

[0054] Applicant submits that the combination of Porter, Major, Lang, and Mela does not teach or suggest at least the following features as recited in this claim:

- "means for receiving only video data and stopping receipt of audio data of the media stream if the media source and a network link cannot support the non-real-time rate without intentionally dropping data from the media content, thereby enabling playback of the video data of the media steam at the non-real-time bit rate"

[0055] After a review of the documents cited by the Examiner, Applicant asserts that none of the cited documents disclose these newly added features as presently recited in this claim. These features have not been previously considered by the Examiner. These features are supported by the Application, as originally filed, at p. 22, lines 4 - 21.

[0056] As shown above, the combination of Porter, Major, Lang, and Mela does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 24-29 and 60-63

[0057] These claims ultimately depend upon independent claims 23 and 59. As discussed above, claims 23 and 59 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 30, 33, and 64 Are Non-Obvious Over Ishikawa in view of Lee

[0058] Claims 30, 33, and 64 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ishikawa in view of Lee. Applicant respectfully traverses the rejection.

Independent Claim 30

[0059] Applicant submits that the combination of Ishikawa and Lee does not teach or suggest at least the following features as recited in this claim:

- “**delivering the media stream to the client at the accelerated bit rate when the accelerated bit rate is within a delivery bit rate limitation**, wherein no data is intentionally dropped from the media stream to achieve the accelerated bit rate”
- “**delivering a video portion of the media stream and stopping delivery of an audio portion of the media stream to the client when the accelerated bit rate exceeds the delivery bit rate limitation, thereby enabling the client to display the video portion of the media stream at the accelerated bit rate**”

[0060] After a review of the documents cited by the Examiner, Applicant asserts that none of the cited documents disclose these newly added features as presently recited in this claim. These features have not been previously considered by the Examiner. These features are supported by the Application, as originally filed, at p. 22, lines 4 - 21.

[0061] As shown above, the combination of Ishikawa and Lee does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 64

[0062] Applicant submits that the combination of Ishikawa and Lee does not teach or suggest at least the following features as recited in this claim:

- “**means for delivering the media stream to the client at the accelerated bit rate when the accelerated bit rate does not exceed a delivery bit rate limitation**, without intentionally dropping data to achieve the accelerated bit rate”

- “means for delivering only key video frames and synchronized text captions that occur with the key video frames of the media stream to the client, when the accelerated bit rate exceeds the delivery bit rate limitation, to still enable the client to display the media stream at the accelerated bit rate”

[0063] After a review of the documents cited by the Examiner, Applicant asserts that none of the cited documents disclose these newly added features as presently recited in this claim. These features have not been previously considered by the Examiner. These features are supported by the Application, as originally filed, at p. 22, lines 4 – 21 and p. 25, lines 1-11.

[0064] As shown above, the combination of Ishikawa and Lee does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claim 33

[0065] This claim ultimately depends upon independent claim 30. As discussed above, claim 30 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of the features of this claim may also be allowable for additional independent reasons.

Claims 31 and 65 Are Non-Obvious Over Ishikawa in view of Lee and further in view of Major

[0066] Claims 31 and 65 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ishikawa in view of Lee and further in view of Major. Applicant respectfully traverses the rejection.

[0067] These claims ultimately depend upon independent claims 30 and 64. As discussed above, claims 30 and 64 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 32 and 66 Are Non-Obvious Over Ishikawa in view of Lee and further in view of Porter

[0068] Claims 32 and 66 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ishikawa in view of Lee and further in view of Porter. Applicant respectfully traverses the rejection.

[0069] These claims ultimately depend upon independent claims 30 and 64. As discussed above, claims 30 and 64 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claim 37 Is Non-Obvious Over Porter in view of Belknap (6,070,228) in view of Mela and further in view of Belknap (5,586,264)

[0070] Claim 37 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Porter in view of Belknap (6,070,228) in view of Mela and further in view of Belknap (5,586,264). Applicant respectfully traverses the rejection.

[0071] This claim ultimately depends upon independent claim 30. As discussed above, claim 30 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of the features of this claim may also be allowable for additional independent reasons.

Claim 43 Is Non-Obvious Over Porter in view of Belknap (6,070,228) in view of Mela in view of Yeo and further in view of Belknap (5,586,264)

[0072] Claim 43 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Porter in view of Belknap (6,070,228) in view of Mela in view of Yeo and further in view of Belknap (5,586,264). Applicant respectfully traverses the rejection.

[0073] This claim ultimately depends upon independent claim 40. As discussed above, claim 40 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of the features of this claim may also be allowable for additional independent reasons.

Conclusion

[0074] Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

/Kayla D. Brant #46,576/
Kayla D. Brant
(kayla@leehayes.com; x4742)
Registration No. 46576
Customer No. **22801**

Dated: September 2, 2009

Telephone: (509) 324-9256
Facsimile: (509) 323-8979
www.leehayes.com